THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.25159 of 2006

Dated: 06-12-2006

Between:

P. Ashok Kumar.

..... PETITIONER

AND

The Government of Andhra Pradesh, rep. by its Secretary, Revenue Department, Hyderarbad, and others.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE V.V.S. RAO

WRIT PETITION No.25159 of 2006

ORDER:

The land in plot No.155 admeasuring 150 sq. yards (125.61 sq. meters) with house bearing No.5-155 situated at Janapriya West City (Phase-I), Maktha Mahaboobpet, Serlingampally Mandal in Ranga Reddy District originally belonged to Smt. Sita Devi, who sold the property under a registered sale deed dated 14.07.2003 to Sri N. Loka Rami Reddy, from whom the petitioner purchased the same under a sale deed dated 27.09.2006. As per the procedure any person intending to register a document has to obtain the market value of the property for the purpose of payment of stamp duty. When the petitioner requested for obtaining the market value (valuation), respondent No.3 orally rejected the request on grounds more than one. No order was, however, passed and respondent No.3 allegedly refused to register the sale deed executed by N. Loka Rami Reddy, vendor of the petitioner, in favour of the petitioner. Therefore, instant writ petition is filed seeking a direction to the respondents to receive the document presented by the petitioner for registration and register the same.

This Court has heard the learned counsel for the petitioner and the learned Assistant Government Pleader for Revenue (General-T). It is no doubt true that when a document is presented, it is incumbent on the part of the Registering Officer to examine the same with reference to Sections 31 and 36 of the Registration Act, 1908 (the Act, for brevity) and/or Rules 26 and 58 of the Andhra Pradesh Rules under the Act. This aspect of the matter was considered by my learned brother Hon'ble Sri Justice A. Gopal Reddy in W.P.No.15199 of 2004 dated 01.09.2004.

Following the above, this writ petition is disposed of directing respondent No.3 or any other Registering Officer to accept the document presented by the petitioner and to consider the same for registration.

Be it noted, if for any reason, the document presented is not registered, it is incumbent on the part of the Registering Officer to record and furnish reasons under Section 71 of the Act. Even thereafter, if the petitioner has any grievance, he may file an appeal before the appellate authority i.e., District Registrar under Section 72 of the Act. Thereafter, if any adverse order is passed by the Appellate Authority, the petitioner can file suit under Section 77 of the Act. No costs.

V.V.S.RAO, J

06th December, 2006

Note: Issue CC in one week.

B/o
ghn